IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.6407 OF 2004

Sahyadri Sahakari Sakhar Karkhana Ltd. and another).. Petitioners

Versus

The Commissioner for Sugar and the Additional Registrar of Co-operative Societies, Maharashtra State & anr.).. Respondents

Mr.V.B.Naik for the Petitioners.

Mrs.M.Thakur, Assistant Government Pleader, for Respondent Nos.1 and 3.

Mr.Vijay Patil with Mr.C.J.Sawant for Respondent No.2.

CORAM: H.L. GOKHALE AND S.P. KUKDAY, JJ.

DATED: 20TH JUNE 2005

P.C.:

. Heard Mr.Naik in support of this Petition. Mr.Patil for Respondent No.2.

2. The first Petitioner Karkhana seeks to challenge the order dated 1st August 1996 whereby the area of operation of the second Respondent Karkhana was enlarged to include some 17 villages which earlier formed part of the first Petitioner Karkhana. Mr.Naik appearing for the

first Petitioner Karkhana submits that the area of operation of the first Petitioner Karkhana is being systematically reduced from time to time without there being any proper order being passed by the Zoning/Review Committee. He submits that the first Petitioner Karkhana has brought about good amount of development in the area which was initially allotted to it and it is now in an unfortunate decision that it has to import from outside area. Mr.Patil, on the other hand, points out that the area of operation of the second Respondent Karkhana which includes 17 villages of the Petitioner was laid down way back in August 1996. He also points out that under the Government Notification dated 30th April 1997 which is holding the field, the members of a particular Karkhana have to make available sugarcane to the extent of the ratio of shares held by the members in the Karkhana. Over and above that, they are free to supply their sugarcane to other Karkhanas. This being the position, he submits that the interests of the Petitioners are sufficiently taken care of.

3. We have considered the submissions of both Counsel. Though, Mr.Naik has his own manner of doubt, the fact remains that the area of operation of the second Respondent Karkhana was laid down way back in 1996. The Government Notification dated 30th April 1997 takes care of the interest of the Petitioners. It will be open to

the first Petitioner Karkhana now to represent to the Zoning/Review Committee in its next meeting where it can point out that the villages which are now notified in the area of the second Respondent, ought not to be notified in their areas. As of now, there is nothing further that is required to be done. Petition dismissed.

(H.L. GOKHALE, J.)

(S.P. KUKDAY, J.)